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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,139	01/03/2005	Gerhard Gumpoltsberger	ZAHFRI P709US	5580
20210	7590	08/29/2006	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301			YOUNG, EDWIN	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/520,139

Applicant(s)

GUMPOLTSBERGER, GERHARD

Examiner

Edwin A. Young

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/03/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This is the first action on the merits for application 10520139. Claims 24-46 are pending in this application.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/EP03/07242, filed on 7/07/2003.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 1/03/2005 has been considered by the examiner.

4. The translation of the International Preliminary Examination Search Report filed on 3/18/2005 has been considered, but will not be listed on any patent resulting from this application because it was not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have the document printed on such resulting patent, a separate listing, preferably on a PTO/SB/08A and 08B form, must be filed within the set period for reply to this Office action.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electric machine or further input shaft arranged on the eighth shaft of claim 29, the additional free wheels of claims 30 and 31, the axle and inter-axle differential of claim 33, the drive motor and clutch of claims 34 and 35, the external starting element and crankshaft of claim 36, the

torsion vibration damper of claim 39, the brake of claim 40, the auxiliary output of claim 41 and 42, and the electrical machine of claim 46 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities: page 3, paragraph [012] "ratio spread should are" should be "ratio spread are".

Appropriate correction is required.

Claim Objections

7. Claim 28 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Since claim 28 replaces the "fixed connection" element required in the independent claim with a "detachable connection," the claim fails to further limit the independent claim.

8. Claim 30 is objected to because of the following informalities: line 2, "additional free wheels" should be changed to "free wheels." Appropriate correction is required.

9. Claim 32 is objected to because of the following informalities: lines 1-2, "input and output" should be changed to "input ***shaft*** and output ***shaft***." Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 24-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24

- The phrase "especially an" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

- “An input shaft” of line 2 and “an output shaft” of lines 2-3 appear to be included in the “at least seven rotational shafts” of line 4. Also, the “first, second and third spider” of line 3 and “a planet carrier” of lines 12 and 14 appear to be a double inclusion. Applicant may not use two different terms for the same part in the claims. Furthermore, applicant may not rely on reference numerals from a drawing to delineate the meets and bounds of his claimed invention.
- It is unclear from the phrases “at least seven rotational shafts” of line 4 and “an eighth shaft” of line 11 as to how many shafts are required for the device to operate.

Claim 27

- It is unclear from the disclosure as to the meaning of the phrases “minus planetary gear sets” on line 3 and “plus planetary gear set” on line 4, rendering the claim indefinite.

Claim 29

- It is unclear as to the meaning of the phrase “arranged” in line 2 of the claim.

Claims 30-31

- Line 2 of claim 30 recites the limitation “additional free wheels can be used on any suitable position” and lines 1-3 of claim 31 recite the limitation “the free wheels are provided between the at least seven rotational shafts and

the housing.” It is unclear how the claimed additional free wheels are interconnected in the claimed multi-step transmission.

Claim 33

- Lines 1-3 recite the limitation, “wherein one or more of an axle and an inter-axle differential is arranged on an input side or an output side.” It is unclear how the claimed axle and inter-axle differential are interconnected in the claimed multi-step transmission.

Claim 36

- Lines 1-4 recite the limitation, “wherein an external starting element can be arranged behind the transmission in a direction of a power flow, whereby the input shaft has a fixed connection with a crankshaft of a motor.” It is unclear how the claimed external starting element is inter-connectively arranged in the claimed multi-step transmission.

Claim 39

- Lines 1-2 recite the limitation, “wherein a torsion vibration damper can be arranged between a motor and the transmission.” It is unclear how the claimed torsion vibration damper is inter-connectively arranged in the claimed multi-step transmission.

Claim 40

- Lines 1-2 recite the limitation, “wherein a wear-free brake can be arranged on each of the at least seven rotational shafts.” It is unclear how the

claimed wear-free brake is inter-connectively arranged in the claimed multi-step transmission.

Claims 41-42

- Lines 1-2 of claim 41 recite the limitation, “wherein an auxiliary output can be arranged on each of the at least seven rotational shafts.” It is unclear how the claimed auxiliary output is inter-connectively arranged in the claimed multi-step transmission.

Allowable Subject Matter

12. Claim 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

13. Claims 25-46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- ZIEMER (US 7,018,319) teaches a multi-step transmission, as shown in Figs. 4A, 10A, and 14A.
- USORO et al. (US 6,669,597) teaches a multi-step transmission, as shown in Fig. 8A.
- TABATA et al. (US 2003/0083174) teaches a multi-step transmission, as shown in Fig. 1A.


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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. Young whose telephone number is 571-272-4781. The examiner can normally be reached on M-F 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAY


SHERRY ESTREMSKY
PRIMARY EXAMINER
AU3681 8-25-06